

**DEPARTMENT OF AGING**

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June 21, 2010

Ms. Joyce-ellen Lippman, Director  
Area Agency on Aging  
528 South Broadway  
Santa Maria, California 93454

Dear Ms. Lippman:

I would first like to thank you and your staff for your time and hospitality during the monitoring visit to the Area Agency on Aging (AAA) – Central Coast Commission for Senior Citizens and the **Long-Term Care Ombudsman Services of Santa Barbara** by the Office of the State Long-Term Care Ombudsman (OSLTCO). It was a pleasure to hear of the Ombudsman Program's management, advocacy, and service to residents of long-term care (LTC) facilities. The best practices, observations, recommendations, and findings listed below are to provide guidance in addressing required corrective action specific to Program standards required by the Older Americans Act and the Older Californians Act. In addition, please find attached the monitoring tool prepared by Eden Rosales during our monitoring visit to the Long-Term Care Ombudsman Program (LTCOP) on March 23-25, 2010.

**Best Practices:**

In collaboration with the local fire department and Community Care Licensing the LTCOP has developed a training course for Residential Care Facilities for the Elderly (RCFE) administrators and staff on the appropriate steps to take after a resident has fallen. The training includes roles of the Ombudsman Program as well as the role of the local fire department and emergency services. This training has resulted in a reduced number of non-emergency public assist calls from RCFEs to the local fire department. The collaboration has also yielded better communication and cross-reporting between the local Program and the fire department.

**Observations:**

The Program has dedicated volunteer representatives with clear understanding of the Program role and responsibility. Addressing and resolving resident complaints is a priority for representatives. Commitment to improving quality of life and quality of care is evident.

Program staff conducts themselves in a professional and cooperative manner with residents, facility staff, and fellow Ombudsman representatives. Program office hours are limited but staff is available by phone and e-mail throughout the day.



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Requested case files and original Ombudsman investigation notes were not available for review due to files being archived off site. Through review of available records (January 2010-present), documentation of investigation and complaint resolution was consistent.

The local Program office is located in an accessible area. Signage for Program is minimal, making it somewhat difficult to find suite. Physical environment was clean and organized. The Program office did not lend itself to performing confidential Ombudsman services. If area for confidential services is needed, one of the two Program staff offices is utilized.

**Recommendations:**

At the time of this monitoring visit, the Program had approximately 17 volunteer representatives and 3 staff. During interviews and discussion with staff, it was expressed that there are too few Program representatives to ensure that all licensed care facilities in the PSA have consistent Ombudsman Program representation. The OSLTCO recommends that the Program increase its outreach to the community to build a volunteer base that will provide residents in the 16 SNFs and 132 RCFEs with timely access to Ombudsman services.

**Findings:**

- Inconsistent practice in documenting obtained oral consent
- Ombudsman posters did not contain accurate or complete Program information as required by Welfare and Institution Code, Section 9718
- Electronic case file records did not accurately reflect the name of the investigating ombudsman
- Case file records prior to January 2010 were not made available for audit by OSLTCO as required by Area Plan Contract, Article VI, Section A
- LTCOP donation solicitation page does not "clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary" as required by the OOA Section 315(b)(4)(B)
- LTCOP donation solicitation page does not accurately reflect allowable tax deduction of contribution according to IRS Publication 526 (2009)

**Corrective Action:**

Please submit a Corrective Action Plan to our office by July 30, 2010.

Ms. joyce-ellen lippman, Director  
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Once again, thank you for your hard work on behalf of residents of LTC facilities. Your support of the local LTC Ombudsman Program is appreciated. Should you have questions concerning this report, please contact Eden Rosales at 916-928-2169 or via e-mail at [erosales@aging.ca.gov](mailto:erosales@aging.ca.gov).

Sincerely,

***ORIGINAL SIGNATURE REDACTED***

Joseph Rodrigues  
State Long-Term Care Ombudsman

cc: Kathy Badrak, Ombudsman Program Coordinator  
Eden Rosales, OSLTCO Analyst

Enclosure (1)

## MONITORING TOOL FOR OMBUDSMAN PROGRAM SERVICE PROVIDERS (TITLE III-B/VII-A) AND ELDER ABUSE PREVENTION PROGRAMS (TITLE VII-B)

Area Agency on Aging (AAA): Central Coast Commission for Senior Citizens		PSA: 17A
Local Long-Term Care Ombudsman Program (LTCOP): LTC Ombudsman Services of Santa Barbara County		
Date of Monitoring Visit: 03/22-03/25/2010	Location: San Luis Obispo/Santa Barbara Counties	
California Department of Aging (CDA), Office of the State Long-Term Care Ombudsman (OSLTCO) Analysts: Eden Rosales and Pam Healy		
OSLTCO Analyst Eden Rosales' Telephone Number: 916-928-2169		
AAA Staff in Attendance: joyce ellen lippman, Dave Chambers, Karen Oniel, Judith Dunn, Lee Diaz		
AAA Sub-Contractor Staff and Local LTCOP Staff in Attendance: Kathy Badrak, LTCOP Coordinator, Beth Badrak, Field Ombudsman.		

**Section A is completed by the AAA when the LTCOP services are contracted to an outside agency. Proceed to Section B if the LTCOP is a direct service of the AAA. Please use the Description/Comments box to record your answers.**

ITEM	YES	NO	DESCRIPTION/COMMENTS
<b>SECTION A – AAA MANAGEMENT OF THE LTCOP</b>			<b>OSLTCO COMMENTS IN <i>ITALICS</i></b>
1. Does the AAA provide technical assistance to and coordinate with the local LTCOP? [22 CCR §7252(a)]	X		<b><i>Please describe the types of technical assistance provided.</i></b> Yes. Technical assistance is provided within the contract requirements.  <i>Example provided: Time allowed for LTCOP to discuss Program issues during AAA board meetings. Budget development and review made available to local Programs from AAA.</i>
2. Does the AAA conduct efforts to facilitate the community awareness of and involvement in addressing the needs of residents in long-term care (LTC) facilities? [22 CCR §7252(c)(3)(C); 42 USC 3027]	X		<b><i>Please describe efforts.</i></b> Yes. An example is the inclusion of this information in each edition of the local Senior Directories published by the AAA.
3. Does the AAA maintain the minimum funding requirements for the LTCOP? [42 USC 3026(a)(9)]	X		Yes.

ITEM	YES	NO	DESCRIPTION/COMMENTS
4. Does the AAA regularly procure the LTCOP? [22 CCR §7352(a)]	X		<b><i>Please describe the procurement process and frequency.</i></b> Yes. Procurement is a Request for Proposal (RFP) process which is completed every four years.
5. Does the AAA have an existing contract for the LTCOP? [22 CCR §7364]	X		Yes. AAA reports PSA is historically a “non-competitive environment.”
6. Does the AAA conduct regular monitoring of the LTCOP? [AP Contract, Exhibit A]	X		Yes. OSLTCO was informed that AAA conducts annual monitoring of LTCOP. AAA monitoring conducted during OSLTCO visit by Jeanne West R.N.
7. Does the AAA regularly meet with the LTCOP? How often? [AP Contract, Exhibit A]	X		Yes. Quarterly meetings of AAA contractors and several community meetings.  <i>In discussion, OSLTCO informed that quarterly meetings are often conducted via teleconference call. LTCOP-SB attendance inconsistent.</i>  <i>Other meetings include Adult Services Policy Committee and F.A.S.T.</i>
8. Does the AAA submit required financial reports on time, as specified in the AP contract? [AP Contract, Exhibit B]	X		Yes. Reports are on time, however, not complete.  <i>AAA reports “poor response” and submission of required reports untimely by LTCOP-SB.</i>
9. Does the AAA involve the LTCOP in the development of Area Plan Goals, Objectives, and Units of Service? [CFR 1321.61(b)(4); Area Plan Guidance 2009-2012 Part II Section 11; 42 USC 3026(a)(5)]	X		Yes. All AAA contractors are invited to provide input.  <i>OSLTCO informed that historically, communication regarding plan development has been electronic and or via teleconference call. AAA open to conducting face-to-face meetings in future plan development</i>
10. Is the contractor aware that they must assure that a LTCOP Program will be available to carry out the responsibilities of the Program in the event that an existing LTCOP Program is terminated? [AP Contract, Exhibit E]	X		Yes.

ITEM	YES	NO	DESCRIPTION/COMMENTS
<b>Section B is completed by the local LTCOP Coordinator. This section is for both contracted services and direct service programs.</b>			
<b>SECTION B -- PROGRAM MANAGEMENT</b>	<b>YES</b>	<b>NO</b>	<b>DESCRIPTION/COMMENTS</b>
1. Does the LTCOP provide services to assist residents of LTC facilities in protecting their health, safety, welfare, and rights? [42 USC 3058g(a)(5)(B)(i); W&I Code §9701(a) and 9720]	X		<p><b>Please describe services provided.</b></p> <p>The services of the Ombudsman Program include the six core elements listed above. However, Core Element #1 is our primary emphasis.</p> <p><i>LTCOP requests donations from service recipients. Donation solicitation page provided to OSLTCO. Page does not "clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary" as required by the OAA Section 315(b)(4)(B).</i></p> <p><i>LTCOP donation solicitation page notes contribution is tax deductible. Entire contribution amount may not be tax deductible if contributor received a benefit per IRS Publication 526 (2009).</i></p> <p><i>ARF Reports of Suspected Abuse are redirected to the Tri-County Regional Center and cross-reported to other agencies when appropriate.</i></p>
2. Does the LTCOP inform residents of LTC facilities about the means of obtaining services from the Program and other agencies? [42 USC 3058g(a)(3)(C)]	X		<p><b>Please describe how the LTCOP conducts outreach.</b></p> <p>LTC residents and their families have access to our program services through presence of Ombudsman in the facilities. Outreach is additionally done by using the following methods:</p> <ol style="list-style-type: none"> <li>1. Displaying four Ombudsman posters in every skilled nursing facility (SNF).</li> <li>2. Displaying one Ombudsman poster in every residential care facility.</li> <li>3. Ombudsman participation in</li> </ol>

ITEM	YES	NO	DESCRIPTION/COMMENTS
			resident and family councils. 4. Distributing Ombudsman materials (English and Spanish) at community fairs and in public locations such as libraries, senior centers, etc.
3. Does the LTCOP Coordinator ensure that residents of LTC facilities have regular and timely access to the services provided by the Program? On average, how long does it take for the LTCOP to respond to a complaint? <i>The CDA OSLTCO Analyst will select and review a minimum sample of five case files.</i> [42 USC 3058g(a)(3)(D); W&I Code §9720(b)]	X		The Program prioritizes complaints based on severity and the potential for harm to residents. Complaints are responded to within 48 hours and with consent, as needed cross report to law enforcement, licensing and others as appropriate.  <i>LTCOP reports Program has average of 10 volunteer representatives. Team approach utilized in meeting response time. Program staff answer initial call and triage. Staff assign call/complaint to volunteers as necessary. Both staff and assigned volunteer work together to resolve cases. Most facilities have assigned Ombudsman representative. LTCOP has developed focus visit worksheet that a volunteer representative can utilize when assigned to complete a routine visit to facilities that do not have an assigned Ombudsman representative.</i>
4. Does the LTCOP have a primary and secondary contact for taking CRISISline calls after-hours? [W&I Code §9726(a)(2)]	X		We take the calls and provide information but we are not crisis workers and do not go out to facilities after-hours on CRISISline calls.

ITEM	YES	NO	DESCRIPTION/COMMENTS
5. Does the LTCOP represent the interests of residents of LTC facilities before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of residents? [42 USC 3058g(a)(5)(B)(iv); W&I Code §9721 (a)]	X		<p><b><i>Please describe your activities in this area.</i></b></p> <p>Whenever appropriate, the Ombudsman Program will involve other agencies in resolving complaints. Examples of these agencies may include licensing agencies, law enforcement, Adult Protective Services (APS), public guardian, Bureau of Medi-Cal, California Advocates for Nursing Home Reform, Medi-Cal hearings, and Health Insurance Counseling and Advocacy Program. Depending on the circumstances, the Ombudsman Program will provide follow-up on these referrals to assure that the problem is being acted upon.</p> <p><i>LTCOP also reports participation on local committees such as Elder Abuse Prevention Council, FAST, MDT, EDRT.</i></p>



ITEM	YES	NO	DESCRIPTION/COMMENTS
6. Does the LTCOP provide training for representatives of the local Office? [42 USC 3058g(a)(3)(H)(i); W&I Code §9719]	X		<p><b><i>Please discuss the frequency and content of training provided.</i></b></p> <p>Training opportunities for Ombudsman staff and volunteers are available on a regular basis. In order to maintain Ombudsman certification, the State requires a minimum of 12 continuing education hours a year for all Ombudsman. Our Program recognizes that in-services are vital for Ombudsman effectiveness. Training not only provides technical knowledge, but it also helps in volunteer retention as well as giving staff the opportunity to track what the volunteers are doing when they may need additional help, etc. The Program offers two-hour case review/trainings each month. Ombudsman are also encouraged to attend other community trainings such as Alzheimer's and Elder Abuse conferences.</p> <p><i>LTCOP reports that monthly Ombudsman Program meetings are held at various sites throughout local area. Meeting has been conducted at licensed care facilities with conference rooms, If Ombudsman representatives are unable to meet training requirements through planned program activities then representatives are provided videos for make-up. OSLTCO suggested utilization of OSLTCO trainings, for example, National Ombudsman Reporting System (NORS) conference calls as a resource to meet training requirements.</i></p>

ITEM	YES	NO	DESCRIPTION/COMMENTS
7. Does the LTCOP review, and if necessary, comment on any existing and proposed laws, regulations, and other governmental policies and actions, that pertain to the rights and well-being of residents? [42 USC 3058g(a)(5)(B)(v)(I)]	X		<b><i>Please describe your activities in this area and any limitations you may have in this area as a result of your organizational structure.</i></b> The Program shares information with staff and volunteers related to changes in policy and regulations received from the State office. We are also involved in the Legislation Committee with the Elder Abuse Task Force which reviews relevant legislation.
8. Does the LTCOP facilitate the ability of the public to comment on laws, regulations, policies, and actions? [42 USC 3058g(a)(5)(B)(v)(II)]	X		<b><i>Please describe your activities in this area and any limitations you may have in this area as a result of your organizational structure.</i></b> The Program staff, volunteers, and Board members are provided with information through e-mails. Some information is posted on our website.  <i>LTCOP coordinator reports website in need of updating and is responsible for website management. Coordinator to investigate local college resources for potential webmaster.</i>
9. Does the LTCOP promote the development of citizen organizations to participate in the Program (e.g., citizen advocacy groups)? [42 USC 3058g(a)(3)(H)(ii)]	X		<b><i>Please describe your activities in this area.</i></b> The Program participates in monthly Multi-Disciplinary Team meetings, FAST team meetings, and Elder Abuse Prevention Council.

ITEM	YES	NO	DESCRIPTION/COMMENTS
10. Is the LTCOP involved in the development and support of resident and family councils? [42 USC 3058g(a)(5)(B)(vi); W&I Code §9726.1(c)]	X		<p><b><i>Please describe your activities in this area, e.g., the number of resident and family council meetings attended on an annual basis.</i></b></p> <p>The Program loans an informational video to family members and residents on the role of family and resident councils. A few of our Ombudsman volunteers attend council meetings at their facilities. Attendance at council meetings at other facilities are by invitation only.</p>
11. Do representatives of the LTCOP conduct all interviews and investigations in a confidential manner? <i>The CDA OSLTCO Analyst will select and review a minimum of five case files.</i> [42 USC 3058g(d) et seq.; W&I Code §9725]	X		<p><b><i>Please describe how interviews are conducted and how the phone and voice mail systems are used.</i></b></p> <p>The Program's staff and volunteers sign confidentiality statements. Staff and volunteers are trained on how to conduct interviews in facilities and on confidentiality requirements.</p> <p><i>OSLTCO informed that all records prior to 2010 are archived off-site and unavailable for review. OSLTCO informed that all original Ombudsman case notes are shredded after information is recorded in OmbudsManager. Review of available records showed supporting documents from outside agencies, family members, etc. are included in case files. Written consent from residents or responsible parties are found in case files. However, documentation of oral consent is missing from files available for review.</i></p> <p><i>LTCOP reports using the resident's room with the door closed or using facility conference rooms when confidential interview/investigation needed, is common practice.</i></p>

ITEM	YES	NO	DESCRIPTION/COMMENTS
12. Is the LTCOP Coordinator exercising responsibility for the management of daily operations of the Program? [W&I Code §9701 (e)]	X		<p><b>Please provide a copy of the LTCOP Coordinator's duty statement or job description.</b> See attached.</p> <p><i>LTCOP coordinator reports working approximately 25 hours per week. Further reduction in hours expected due to funding cuts.</i></p> <p><i>OSLTCO informed that Program staff is available by phone at all times.</i></p>
13. Is the approved agency and its representatives free from conflicts of interest and unable to gain financially through an action or potential action initiated on behalf of individuals the Ombudsman serves? <i>The CDA OSLTCO Analyst will select and review a minimum of five signed conflict of interest statements from staff and/or volunteer personnel files.</i> [42 USC 3058g(a)(5)(C)(ii)]	X		<p><b>Please describe the methods used to remove potential or actual conflicts of interest.</b> Conflicts of interest (real and perceived) are explained at Ombudsman and Board orientations. Board members, all staff, and Ombudsman volunteers are required to be free of any conflicts of interest and sign conflicts of interest statements.</p> <p><i>Through personnel file review, OSLTCO found all conflict of interest statements completed and signed.</i></p>
14. Does the LTCOP coordinate services with other agencies in the community? [42 USC 3058g(h)(6) et seq.; W&I Code §9717, et seq.]	X		<p><b>Please discuss the agencies with which the LTCOP coordinates activities, and the objective of the association.</b> Ombudsman representatives attend the AAA service providers meetings, AAA advisory council meetings, the County MDT, the DA's Elder Death Review Team, the Financial Abuse Specialist Task force meetings, and work with other agencies throughout the county.</p>
15. Does the LTCOP have a Memorandum of Understanding in place with the Title III Legal Services Provider? [42 USC 3058g(h)(7); W&I Code §9717 (c)]	X		<p><b>Please discuss the relationship between the two organizations.</b> When appropriate we refer Ombudsman clients to the Senior Legal Services Program.</p>

ITEM	YES	NO	DESCRIPTION/COMMENTS
16. Does the LTCOP ensure that every LTC facility posts a copy of the Ombudsman Poster (one in Residential Care Facilities for the Elderly (RCFEs) and four in SNFs)? [W&I Code §9718; H&S Code 1422.6]	X		<p><b><i>Please describe the process used.</i></b></p> <p>Ombudsman monitor the presence of posters in facilities. When a new poster is delivered, the facility signs a form that they have received the poster. This form is kept in the facility file.</p> <p><i>LTCOP reports that due to recent Program move, posters are in the process of being updating. During facility site visit OSLTCO found that displayed Ombudsman poster did not provide accurate or complete Program information required by W&amp;I Code, Section 9718. The poster had inaccurate Program telephone number and did not have Program address.</i></p>
17. Does the LTCOP make appropriate referrals of complaints? [W&I Code, Section 9721 et seq.; W&I Code §15630(a)(A)(i) et seq.]	X		<p><b><i>Please discuss the referral process, the types of referrals made, to whom, and if the LTCOP follows up on complaints referred.</i></b></p> <p>Referrals made by the Ombudsman fall into two general categories:</p> <ol style="list-style-type: none"> <li>1. Connecting the client to other resources in the community for assistance in resolving their issues or enhancing their lives. Examples include: Legal Services, Hospice, In-Home Support Services, and Senior Day Care.</li> <li>2. Referring the complainant to another agency for assistance in resolving other complaints. Examples include: Licensing, APS, Law Enforcement, and Bureau of Medi-Cal Fraud.</li> </ol>

ITEM	YES	NO	DESCRIPTION/COMMENTS
18. Do representatives of the LTCOP have the right of entry to LTC facilities? What does the representative do if access is denied? [42 USC 3058g(b)(1)(A); W&I Code §9722 (a)]	X		Ombudsman representatives have the legal right of reasonable access to LTC facilities 24/7. Facility access has not been denied to any Ombudsman representatives in Santa Barbara County in at least 15 years. Ombudsman are to call the office immediately if access is denied.
19. Does the LTCOP follow the procedures established for after-hours entry into a LTC facility? Under what circumstances does an Ombudsman enter a facility after-hours? [22 CCR §8020]	X		The Ombudsman contacts the Program Coordinator who reviews the request. If it is necessary to enter a facility after-hours then the Program Coordinator will contact the State office with the request and plan in order to obtain proper approval
20. Does the LTCOP follow the prescribed method of gaining access to the medical or personal records of residents? [W&I Code §9724, et seq.]	X		<p><b><i>Please describe the process used.</i></b></p> <p>In order to investigate a complaint, the Ombudsman may have to review medical and or personal records. We follow the W&amp;I Code – written or oral consent can be given by the resident. If there is a conservator, the Ombudsman is to get consent and so forth – Section 9724.</p> <p><i>OSLTCO informed that all records prior to 2010 are archived off-site and unavailable for review. OSLTCO informed that all original Ombudsman case notes are shredded after information is recorded in OmbudsManager.</i></p> <p><i>Review of available records showed written consent from residents or responsible parties are found in case files. However, documentation of oral consent is missing from files available for review.</i></p>

ITEM	YES	NO	DESCRIPTION/COMMENTS
21. Does the LTCOP have a Board of Directors or Advisory Council? Does the Board or Council meet on a regular basis? Are there any vacancies on the Board or Council? Are Board or Council members free from conflicts of interest? <i>The CDA OSLTCO analyst will review the minutes from the last two meetings of the Advisory Council and/or Board of Directors.</i> [PM 08-29]	X		The Board of Directors meet on a regular basis. All Board members are required to go through training on the Ombudsman Program, including topics such as conflicts of interest. All members are required to sign the conflicts of interest form.  <i>LTCOP reports plan to increase number of Board members. Recruitment events such as a tea party and wine tasting event in planning stages.</i>
22. Does the LTCOP have job descriptions for all staff (paid and volunteer)? [PM 08-29]	X		See attached.
23. Does the LTCOP regularly recognize volunteers working in the Program? [PM 03-13]	X		The Program recognizes volunteers with cards. We also have pizza parties, etc from time-to-time.
24. Does the LTCOP have up-to-date printed materials to increase public awareness about the Program? How are the printed materials distributed? [Program Guide, Section 301]	X		Our Ombudsman fact sheet is distributed at presentations, health fairs, senior centers, and other agencies. Printed materials are also provided in the office, through mailings, at meetings, and trainings.  <i>Due to the recent LTCOP move, printed materials are in process of being updated.</i>

ITEM	YES	NO	DESCRIPTION/COMMENTS
25. Does the LTCOP conduct educational activities in the community? Please discuss the type and number of training sessions provided, where and to whom the activities were provided. [W&I Code §9726.1; PM 08-29]	X		<p>Resident Rights; How to pick a LTC facility and elder abuse prevention are the main topics of trainings that the Program has provided. Groups include: certified nursing assistant trainings, church groups, and law enforcement.</p> <p><i>In further discussion LTCOP informed OSLTCO of recent trainings developed and conducted by LTCOP and local fire department to RCFE administrators and staff on roles of the Ombudsman representatives and of the local fire department, as well as how to assess residents after a fall and what appropriate actions to take. This training has reduced the volume of calls made to local emergency services for non-emergency public assist calls. It has also increased the communication between the LTCOP and local fire department.</i></p>
26. Does the LTCOP provide training for LTC facility staff? Please describe the type and number of training sessions provided. [PM 08-29]	X		Most frequent topics include residents' rights and elder abuse reporting.
27. Does the LTCOP witness AHCDs and Property Transfers? <i>The CDA OSLTCO analyst will select and review a minimum of five AHCDs and Property Transfers.</i> [Probate Code §4675; H&S Code §1289]	X		<p><b><i>Please describe the process used.</i></b></p> <p>Property transfers have not been done in many years. The Program requires a two-hour training to certify Ombudsman to witness an Advanced Health Care Directive (AHCD). Intake is done by the office and an Ombudsman is assigned to complete.</p> <p><i>OSLTCO informed of average seven to ten day turn-around time for AHCD from intake to witnessing.</i></p>
28. Does the LTCOP have access to all relevant laws, regulations, etc., i.e., Legislative web site? [42 USC 3058g(a)(5)(B)(v)]	X		The Program has a subscription for updates to the licensing regulations. The Program can access relevant laws using the Internet.



ITEM	YES	NO	DESCRIPTION/COMMENTS
29. Are representatives certified by the State Ombudsman before assuming their responsibilities and working in facilities? [W&I Code §9719.(a)2; Program Guide, Section 305]	X		The Program requires the satisfactory completion of the 60+ hour's certification program, which includes classroom and internship.
30. Is the LTCOP Coordinator submitting requests for the decertification of representatives to the State as soon as the volunteer or paid staff member resigns or is terminated? [PM 07-17; PM 08-29]	X		
31. Are there grievance procedures in place to address complaints against the LTCOP from Ombudsman representatives? [Program Guide, Section 308]	X		See attached.
32. Are there grievance procedures in place to address complaints against the LTCOP from consumers? [22 CCR §7400 et seq.]	X		See attached.
33. Does the LTCOP follow State background clearance procedures? [W&I Code 9719; PM 07-17]	X		All Ombudsman have their fingerprints submitted before certification.
34. Does the LTCOP have a copy of the LTC Ombudsman Core Elements and related tools? How does the Program use the core elements? [California LTC Ombudsman Core Elements]	X		More explanation is needed to provide a response to this question.  <i>LTCOP reports having access to the Ombudsman Core Elements. The Self-Assessment Tool is used as an internal program tool for determining program strengths and weaknesses.</i>
35. Has the LTCOP used the Core Elements Self-Assessment Tool? [California LTC Ombudsman Core Elements]	X		The Program uses the Self-Assessment Tool as an internal documentation to determine training needs.

<b>Section C is completed by the local LTCOP Coordinator and the program's fiscal officer.</b>			
<b>SECTION C -- FISCAL &amp; ADMINISTRATIVE SUPPORT</b>	<b>YES</b>	<b>NO</b>	<b>DESCRIPTION/COMMENTS</b>
1. Is the LTCOP Coordinator responsible for establishing and monitoring the budget for the Program? [AP Contract, Exhibit E]	X		<b><i>Please describe how the LTCOP Coordinator establishes the budget and monitors expenditures.</i></b> The Ombudsman Coordinator develops the budget for the agency which includes the Ombudsman budget. The Board of Directors approves the budget each year. A cost allocation plan is used to prorate costs to the appropriate program. In addition, monthly income and expense reports are generated for each program and grant and monitored by the Ombudsman Coordinator and the Board of Directors
2. Does the approved organization maintain a separate budget and expenditure accounting for the LTCOP that supports monitoring of the minimum-funding requirement for the Program? [42 USC 3026(a)(9)]	X		<b><i>Please describe your agency's accounting procedures.</i></b> The agency accounting records are set up by both program and grant. This allows monitoring of both aspects of the agency. The agency uses a chart of accounts system that captures revenue and expenses in a specific fund.
3. Does the approved organization maintain a separate budget and tracking system for expenditures under the Volunteer Recruitment Initiative? [PM 03-13; PM 04-01]	X		<b><i>Please describe your system.</i></b> See above.  <i>LTCOP County and State/federal funding is audited yearly by AAA. LTCOP is also funded by a foundation. Foundation funding is not available for review.</i>
4. Is there a cost allocation method used by the LTCOP? [PM 03-13; PM 04-01]	X		<b><i>Please describe which method is used.</i></b> Expenses are allocated based on direct usage and if a share cost then it is allocated by the FTE in the grant/program

5. Does the LTCOP have the office space and telecommunication equipment necessary to protect the confidentiality of all complaint-related communications and records? [PM 08-29]	X		<b><i>Please describe your system.</i></b> Our equipment and software provide for confidentiality.
<b><i>Section D is completed by the local LTCOP Coordinator.</i></b>			
<b>SECTION D – DATA</b>	<b>YES</b>	<b>NO</b>	<b>DESCRIPTION/COMMENTS</b>
1. Has the LTCOP submitted to the Office of the State Long-Term Care Ombudsman the required quarterly and annual reports by each due date as specified in the contract? [PM 08-29; AP Contract, Exhibit E]	X		We have the equipment and software to operate Ombudsmanager, but we still have issues with the program itself. Data entry is cumbersome because several of the fields are not used with this program and cannot be bypassed; too many pages and too many tabs. Methods of entering data (letter vs. point and click) are inconsistent. The reports portion does not allow creation of more refined searches. It still does not print adequately and still unable to set the pages to print.
2. If applicable, has the LTCOP submitted a written explanation to the Office of the State Long-Term Care Ombudsman whenever they anticipated delays in the submission of the required data? This must include the reasons for the delay and the approximate date the report will be delivered. [PM 08-29]			Not applicable. We have not had any delays.
3. Are the proper NORS categories being assigned to complaints? Are complaint dispositions appropriately coded? <i>The CDA OSLTCO Analyst will select and review a minimum of five case files.</i> [PM 01-17]	X		<i>Through case file review, OSLTCO found the identity of the investigating Ombudsman is unclear. System documentation generally identifies the staff person responsible for data entry as the assigned Ombudsman.</i>  <i>Through case file review, OSLTCO found consistent and appropriate coding of complaints and case dispositions.</i>

## **SECTION E– INTERVIEWS WITH OMBUDSMAN VOLUNTEERS**

***The CDA OSLTCO Analyst shall conduct an interview with a minimum of three volunteer Ombudsman representatives to discuss their perspectives and experiences with the LTCOP Program. The analyst will record his or her observations in the section below.***

*The Program has a dedicated group of approximately 17 volunteers. Three volunteers were interviewed during the visit, and all had exemplary history of service to LTC residents. Volunteers expressed clear understanding of the Ombudsman role and responsibility, and dedication to the local Program. Volunteers are pleased with the leadership and guidance of Kathy Badrak, Coordinator, and the responsiveness of the local Program staff. They were confident in their training and access (via telephone or e-mail) to staff for consultation and/or technical assistance in resolving complaints. During each volunteer interview, it was expressed that the Program needs to increase its public awareness as well as build its volunteer base. Volunteers report that often they have to explain the program and role if its representatives to family, friends, etc. and feel the lack of public awareness is contributing to reduced funding and fewer volunteers. LTCOP volunteer representatives report insufficient volunteer resources in that in the northern portion of the PSA (Santa Maria). Program volunteers from other geographic areas of the PSA provide Ombudsman services as needed.*

## **SECTION F – SITE VISITS TO FACILITIES**

***The CDA OSLTCO Analyst shall arrange a visit to one long-term care facility accompanied by a local Ombudsman representative. The CDA OSLTCO Analyst will record observations in the section below.***

*The OSLTCO joined Ombudsman staff, Beth Badrak, on a visit to a skilled nursing facility. The Ombudsman interaction with facility residents was observed to be respectful. Ombudsman interaction with the facility staff was professional and cooperative. Facility staff appeared comfortable with Ombudsman presence and expressed being knowledgeable of the role and responsibility of the Ombudsman Program. Throughout the visit, the Ombudsman demonstrated commitment to protecting the health, safety, welfare, and rights of LTC residents. Ombudsman posters were noted to be prominently displayed but lacking accurate and complete information as required by Welfare and Institution Code, Section 9718.*

***The requirements of the Older Americans Act state that Elder Abuse Prevention funds shall be used for activities to develop, strengthen, and carry out programs for the prevention, detection, assessment, and treatment of elder abuse, neglect, and exploitation.***

***Sections G, H, and I are completed by the AAA when Elder Abuse Prevention funds are used by an agency other than the local LTCOP.***

ITEM	YES	NO	DESCRIPTION/COMMENTS
<b>SECTION G -- PROGRAM MANAGEMENT ELDER ABUSE PREVENTION PROGRAM</b>			
1. Does the AAA provide Title VII-B services directly? [AP Contract, Exhibit A]	X		<b><i>Please describe the services provided.</i></b> Yes. Community education and coordination.
2. Does the AAA provide Title VII-B services through a contract with a service provider? <i>The CDA OSLTCO Analyst shall review any existing contracts with service providers.</i> [AP Contract, Exhibit A]		X	<b><i>Please describe the services provided.</i></b> No.
<b>SECTION H -- FISCAL SUPPORT ELDER ABUSE PREVENTION PROGRAM</b>			
1. Does the AAA maintain a separate budget and expenditure accounting for the Program? [AP Contract, Exhibit E]	X		<b><i>Please describe your agency's accounting procedures.</i></b> Yes.
2. Does the AAA submit required financial reports to CDA on time, as specified in the AP contract? [AP Contract, Exhibit B]	X		Yes.
<b>SECTION I -- DATA ELDER ABUSE PREVENTION PROGRAM</b>			
1. Does the AAA submit the required data reports to CDA on time, as specified in the AP contract? [AP Contract, Exhibit E]			Sometimes. <i>AAA reports occasional delay due to local Program data not submitted to AAA in timely manner.</i>
2. If applicable, has the AAA submitted a written explanation to CDA whenever they anticipated delays in the submission of the required reports? This must include the reasons for the delay and the approximate date the report will be delivered. [AP Contract, Exhibit E]		X	No.

## **SECTION J – CONCLUDING OBSERVATIONS, BEST PRACTICES RECOMMENDATIONS, & CORRECTIVE ACTION REQUIRED**

***The CDA OSLTCO Analyst will record observations, best practices, in the section below.***

### **Observations:**

*The Program has dedicated volunteer representatives with clear understanding of the Program role and responsibility. Addressing and resolving resident complaints is a priority for representatives. Commitment to improving quality of life and quality of care is evident.*

*Program staff conducts themselves in a professional and cooperative manner with residents, facility staff, and fellow Ombudsman representatives. Program office hours are limited but staff is available by phone and e-mail throughout the day.*

*Requested case files and original Ombudsman investigation notes were not available for review due to files being archived off site. Through review of available records (January 2010-present), documentation of investigation and complaint resolution was consistent.*

*The local Program office is located in an accessible area. Signage for Program is minimal, making it somewhat difficult to find suite. Physical environment was clean and organized. The Program office did not lend itself to performing confidential Ombudsman services. If area for confidential services is needed, one of the two Program staff offices is utilized.*

### **Best Practices Identified:**

*In collaboration with the local fire department and Community Care Licensing the LTCOP has developed a training course for RCFE administrators and staff on the appropriate steps to take after a resident has fallen. The training includes roles of the Ombudsman Program as well as the role of the local fire department and emergency services. This training has resulted in a reduced number of non-emergency public assist calls from RCFEs to the local fire department. The collaboration has also yielded better communication and cross-reporting between the local Program and the fire department.*

### **Recommendations:**

*At the time of this monitoring visit, the Program had approximately 17 volunteer representatives and three staff. During interviews and discussion with staff, it was expressed that there are too few Program representatives to ensure that all licensed care facilities in the PSA have consistent Ombudsman Program representation. The OSLTCO recommends that the Program increase its outreach to the community to build a volunteer base that will provide residents in the 16 SNFs and 132 RCFEs with timely access to Ombudsman services.*

**Corrective Action Required:**

*Ensure that Ombudsman Program representatives:*

- *Consistently document in case file records when oral consent is obtained from residents or their legal representatives to act on complaints and make cross reports to licensing and law enforcement agencies.*
- *Receive training in the policies and procedures referenced above to ensure consistency within the Program.*

*Ensure the Ombudsman CRISISline poster contains all local Program information required by Welfare and Institutions Code, Section 9718.*

- *All posters must have the name, address, and phone number of the local LTC Ombudsman Program.*

*Ensure that data entered into OmbudsManager accurately reflects the Ombudsman representative who was responsible for investigating the complaint.*

*Ensure case records are retained in accordance with the AAA contract and made available for inspection and audit by OSLTCO.*

- *Please reference Procedure Clarification Letter 10-02 Ombudsman- Document Retention Policy*

*Ensure the LTCOP donation solicitation page is revised to accurately reflect the Older Americans Act Section 315 (b) (4) Required Acts (B).*

- *Clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary. Ensure that each service provider has clearly informed participants that there is no obligation to contribute and that any contribution is purely voluntary. All requests for donations shall include the language that services will not be denied to any individual who does not contribute to the cost of the service.*

*Ensure the LTCOP donation solicitation page is revised to accurately reflect allowable tax deduction of charitable contribution.*

- *Please refer back to IRS publication 526 (2009), Contributions You Benefit From, Contributions You Can Deduct, and Contributions You Cannot Deduct.*

***Timeline for Corrective Action:*** *Please submit a Corrective Action Plan to our office by July 30, 2010.*

*Should you have questions concerning this report, please contact Eden Rosales, OSLTCO Analyst, at 916-928-2169.*